

(b) REFERENCES.—Any reference in any law to a requirement under subchapter IV of chapter 31 of title 40, United States Code, shall be null and void.

(c) EFFECTIVE DATE AND LIMITATION.—This section, and the amendment made by this section, shall take effect 30 days after the date of enactment of this Act but shall not affect any contract that is—

(1) in existence on the date that is 30 days after such date of enactment; or

(2) made pursuant to an invitation for bids outstanding on the date that is 30 days after such date of enactment.

SA 2257. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION —CATEGORICAL EXCLUSIONS RELATING TO EMERGING TECHNOLOGIES

SEC. ____ . ANNUAL REPORT ON NEW CATEGORICAL EXCLUSIONS RELATING TO EMERGING TECHNOLOGIES.

The head of each Federal agency shall submit to Congress an annual report on any future category of actions or issues that would support the adoption or deployment of emerging technologies, as determined by the head of a Federal agency, that have not been addressed in any environmental assessment (as defined in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation)) conducted by that Federal agency but that could meet the criteria for consideration as a categorical exclusion from the requirements of title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

SA 2258. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . FEDERAL SPECTRUM AUDIT.

(a) DEFINITIONS.—In this section—

(1) the term “Assistant Secretary” means the Assistant Secretary of Commerce for Communications and Information; and

(2) the term “Federal entity” has the meaning given the term in section 113(1) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(1)).

(b) AUDIT AND REPORT.—Not later than 18 months after the date of enactment of this Act, the Assistant Secretary, in consultation with the head of each Federal entity, shall—

(1) conduct an audit of the electromagnetic spectrum that is assigned or otherwise allocated to each Federal entity as of the date of the audit; and

(2) submit to Congress, and make available to each Member of Congress upon request, a report containing the results of the audit conducted under paragraph (1).

(c) CONTENTS OF REPORT.—The Assistant Secretary shall include in the report submitted under subsection (b)(2), with respect to the electromagnetic spectrum that is assigned or otherwise allocated to a Federal entity as of the date of the audit—

(1) each particular band of spectrum being used by the Federal entity;

(2) a description of each purpose for which a particular band described in paragraph (1) is being used, and how much of the band is being used for that purpose;

(3) the State or other geographic area in which a particular band described in paragraph (1) is assigned or allocated for use;

(4) whether a particular band described in paragraph (1) is used exclusively by the Federal entity or shared with another Federal entity or a non-Federal entity; and

(5) any portion of the spectrum that is not being used by the Federal entity.

(d) FORM OF REPORT.—The report required under subsection (a)(2) shall be submitted in unclassified form but may include a classified annex.

(e) RELATION TO DEPARTMENT OF TRANSPORTATION SPECTRUM AUDIT.—The Assistant Secretary shall coordinate the implementation of this section with the implementation of section 27003 (relating to an audit of Department of Transportation spectrum).

SA 2259. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REGULATION OF DRIVERS OF PROPERTY-CARRYING COMMERCIAL MOTOR VEHICLES.

(a) DEFINITION OF SECRETARY.—In this section, the term “Secretary” means the Secretary of Transportation, acting through the Administrator of the Federal Motor Carrier Safety Administration.

(b) HOURS OF SERVICE.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, shall revise section 395.3 of title 49, Code of Federal Regulations—

(A) to increase the maximum driving time for a driver of a property-carrying commercial motor vehicle from 11 hours to 12 hours;

(B) to establish a maximum on-duty time of 14 hours during any 24-hour period (as defined in section 395.2 of that title (or a successor regulation)) for a driver of a property-carrying commercial motor vehicle;

(C) to provide that the on-duty time of a driver of a property-carrying commercial motor vehicle may not begin unless—

(i)(I) the driver has first taken 10 consecutive hours off duty; and

(II) during the period of on-duty time, the driver complies with all applicable requirements of section 395.3 of that title, including the requirement described in subsection (a)(3)(ii) of that section (or a successor regulation); or

(ii) at the election of the driver—

(I) the driver has taken 8 consecutive hours off duty;

(II) during the period of on-duty time, the driver complies with all applicable requirements of section 395.3 of that title, including the requirement described in subsection (a)(3)(ii) of that section (or a successor regulation); and

(III) the driver—

(aa) takes 2 rest breaks of 30 minutes each, which may be taken separately or consecutively, at the election of the driver, during the period of on-duty time if the driving time of the driver during that period of on-duty time is not more than 8 hours;

(bb) takes 3 rest breaks of 30 minutes each, which, subject to the requirement described in section 395.3(a)(3)(ii) of that title (or a successor regulation), may be taken separately or consecutively, at the election of the driver, during the period of on-duty time if the driving time of the driver during that period of on-duty time is more than 8, but not more than 10, hours; or

(cc) takes 4 rest breaks of 30 minutes each, which, subject to the requirement described in section 395.3(a)(3)(ii) of that title (or a successor regulation), may be taken separately or consecutively, at the election of the driver, during the period of on-duty time if the driving time of the driver during that period of on-duty time is more than 10, but not more than 12, hours;

(D) to provide that any rest break taken by a driver shall be considered to be off-duty time excluded from the calculation of on-duty time;

(E) to provide that the driving time of a driver of a property-carrying commercial motor vehicle begins when the driver is 150 air miles from the starting location of the trip; and

(F) to provide that, if, at the time that the driver of a property-carrying commercial motor vehicle reaches 14 hours of on-duty time or 12 hours of driving time, the driver is within 150 air miles of the destination of the trip, as established at the outset of the trip—

(i) the driver may continue driving until that destination is reached;

(ii) the driving time of the driver shall exclude all time—

(I) during the period beginning when the driver reaches 12 hours of driving time and ending on completion of the trip; and

(II) that is necessary to reach, or otherwise complete the trip at, that destination; and

(iii) the on-duty time of the driver shall exclude all time—

(I) during the period beginning when the driver reaches 14 hours of on-duty time and ending on completion of the trip; and

(II) during which the driver carries out an activity necessary to reach, or otherwise complete the trip at, that destination, including any time described in paragraph (3) or (5) of the definition of the term “on-duty time” in section 395.2 of that title (or a successor regulation).

(2) REQUIREMENT.—In carrying out paragraph (1), the Secretary shall not modify the limits described in section 395.3(b) of title 49, Code of Federal Regulations.

(c) COMMERCIAL DRIVER'S LICENSES.—Not later than 90 days after the date of enactment of this Act, the Secretary shall revise section 391.11 of title 49, Code of Federal Regulations, to lower the minimum age for obtaining a commercial driver's license from 21 to 18 years of age.

SA 2260. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER,

and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . (a) FLIGHT SHARING FREEDOM.—Section 40102(a) of title 49, United States Code, is amended by adding at the end the following:

“(48) ‘common carrier’ means a service provided by a person that meets the following elements:

“(A) holding out of a willingness to;

“(B) transport persons or property;

“(C) from place to place;

“(D) for compensation; and

“(E) without refusal unless authorized by law.

In applying subparagraph (D), the term ‘compensation’ requires the intent to pursue monetary profit but does not include flights in which the pilot and passengers share aircraft operating expenses or the pilot receives any benefit.”.

(b) REGULATIONS.—Not later than 60 days after the date of enactment of this section, the Secretary of Transportation shall issue or revise regulations to comply with this section and to ensure that a person who holds a pilot certificate may communicate with the public, in any manner the person determines appropriate, to facilitate an aircraft flight for which the pilot and passengers share aircraft operating expenses in accordance with section 61.113(c) of title 14, Code of Federal Regulations (or any successor regulation) and that such flight-sharing operations under section 61.113(c) of title 14, Code of Federal Regulations (or any successor regulation) shall not be deemed a common carrier, as defined in paragraph (48) of section 40102(a) of title 49, United States Code, or a commercial operation requiring a certificate under part 119 or 135 of title 14, Code of Federal Regulations (or any successor regulation).

SA 2261. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . (a) AVIATION EMPOWERMENT.—Section 40102(a) of title 49, United States Code, is amended by adding at the end the following:

“(48) ‘common carrier’ means a service provided by a person that meets the following elements:

“(A) holding out of a willingness to;

“(B) transport persons or property;

“(C) from place to place;

“(D) for compensation; and

“(E) without refusal unless authorized by law.

In applying subparagraph (D), the term ‘compensation’ requires the intent to pursue monetary profit but does not include flights in which the pilot and passengers share aircraft operating expenses or the pilot receives any benefit.

“(49) ‘personal operator’ means a person providing air transportation of persons or

property for compensation or hire in aircraft that have eight or fewer seats, provided that the person holds a private pilot certificate pursuant to subpart E of section 61 of title 14, Code of Federal Regulations (or any successor regulation). A personal operator or a flight operated by a personal operator does not constitute a common carrier, as defined in paragraph (48), a commercial operation requiring a certificate under part 119 or 135 of title 14, Code of Federal Regulations (or any successor regulation), or a commercial operator, as defined in section 1.1 of title 14, Code of Federal Regulations (or any successor regulation).”.

(b) REGULATIONS.—Not later than 60 days after the date of enactment of this section, the Secretary of Transportation shall issue or revise regulations to comply with this section and to ensure the following:

(1) That a person who holds a pilot certificate may communicate with the public, in any manner the person determines appropriate, to facilitate an aircraft flight for which the pilot and passengers share aircraft operating expenses in accordance with section 61.113(c) of title 14, Code of Federal Regulations (or any successor regulation) and that such flight-sharing operations under section 61.113(c) of title 14, Code of Federal Regulations (or any successor regulation) shall not be deemed a common carrier, as defined in paragraph (48) of section 40102(a) of title 49, United States Code, or a commercial operation requiring a certificate under part 119 or 135 of title 14, Code of Federal Regulations (or any successor regulation).

(2) That a personal operator, as defined in paragraph (49) of section 40102(a) of title 49, United States Code, operating under part 91 of title 14 Code of Federal Regulations (or any successor regulation) shall not be subject to the requirements set forth in part 121, 125, or 135 of title 14, Code of Federal Regulations (or any successor regulation).

SA 2262. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

SEC. . RULEMAKING TO CREATE A NEW CLASS OF VEHICLE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, shall initiate a rulemaking addressing the creation of a new class of vehicle that—

(1) is not designed, intended, or marketed for human occupancy; and

(2) is subject to requirements and safety standards that are—

(A) technologically and economically feasible for manufacturers and consumers; and

(B) essential for the new class of vehicle to operate safely in the United States, as certified by the Secretary.

(b) COST-BENEFIT ANALYSIS.—The Secretary, in carrying out the rulemaking initiated under subsection (a), shall conduct a cost-benefit analysis to ensure that the safety benefits of the requirements and standards for the new class of vehicle described in paragraph (2) of that subsection substan-

tially outweigh the cost to manufacturers and consumers of achieving compliance with those requirements and standards.

(c) FINAL RULE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall promulgate a final rule to complete the rulemaking initiated under subsection (a).

SA 2263. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REDUCING REGULATION AND CONTROLLING REGULATORY COSTS.

(a) FINDINGS.—Congress finds the following:

(1) It is the policy of the Federal Government to be prudent and financially responsible in the expenditure of funds, from both public and private sources.

(2) In addition to the management of the direct expenditure of taxpayer dollars through the budgeting process, it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations.

(3) Toward that end, it is important that for each new regulation issued, not fewer than 2 prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.

(b) DEFINITIONS.—In this section:

(1) AGENCY.—The term “agency” has the meaning given the term in section 551 of title 5, United States Code.

(2) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(3) EXECUTIVE ORDER 12866.—The term “Executive Order 12866” means Executive Order 12866 (58 Fed. Reg. 51735; relating to regulatory planning and review), as amended, or any successor order.

(4) RULE.—The term “rule”—

(A) has the meaning given the term in section 551 of title 5, United States Code; and

(B) does not include—

(i) any rule made with respect to a military, national security, or foreign affairs function of the United States;

(ii) any rule related to agency organization, management, or personnel; or

(iii) any other category of rule exempted by the Director.

(c) REGULATORY CAP.—

(1) IN GENERAL.—If an agency publicly proposes for notice and comment or otherwise promulgates a new rule, the agency shall identify not fewer than 2 existing rules to be repealed.

(2) INCREMENTAL COST.—For each fiscal year, the head of an agency shall ensure that the total incremental cost of all new rules, including repealed rules, to be finalized that fiscal year is not greater than zero, except as provided by the Director in specifying the total incremental cost allowance for the agency under subsection (d)(4)(A).

(3) OFFSET OF NEW INCREMENTAL COSTS.—

(A) IN GENERAL.—In furtherance of the requirement under paragraph (1), an agency shall offset any new incremental costs associated with a new rule by the elimination of